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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 92-98

In re The Re-evaluation of the 1965 Policy Statement on
Comparative Broadcast Hearings

JUL 30 1992

MOTION FOR A LEAVE TO ACCEPT LATE FILED COMMENTS
FCC MAIL BRANCH

Dear Ms./Mr. Secretary:

Please accept these late filed comments to the rulemaking FCC 92-98 concerning the re-evaluation of the 1965 Policy Statement on Comparative Broadcast Hearings. I apologize for the delay in this filing. Since the opportunity to make the following statements may not come again in the near future, I respectfully request that these comments be accepted.

Having reviewed several recent FCC cases (Bechtel v. FCC, 957 F2d 873 (D.C., 1992) and Julia S. Zozaya, 5 FCC Rcd 6607 (FCC 1990)) I am challenging certain of the criteria outlined in the 1965 Policy Statement on Comparative Broadcast Hearings and upon which broadcasting licenses are still being awarded today. These criteria concern integration, minority status of principals, and low income status of principals.

The integration criteria was instituted in order to determine which applicant would best serve the community's needs and interests. In order to assure accountability and sensitivity to a community needs, integration has been determined to require full time participation by the owner in the every day operations of the station. The present integration criteria excludes every other form of management and ownership.

In so doing, the Commission is confining ownership of broadcast facilities to the Wealthy. The Wealthy have the leisure to change their full time employment and lose any benefits that they may have accrued for themselves and their families. This does not assure that they are accountable to the community -- especially if they must give up employment and activities in the community in order to work at the station. This does not assure that they have the expertise or knowledge to effectively manage a station and therefore serve the public. It certainly does not give any indication one way or another of whether the owner-manager is in touch with the community's needs.

However, owners who maintain their ties to the community which they propose to serve, and do not isolate themselves within the station, are in touch with that community. Accountability can

come from non-profit corporate structures where the directors hold one another accountable, and they are also held accountable by the community they serve. These directors could then hire a station manager with the training and expertise to carry out their decisions and visions, and implement their policies. Through regular board meetings, this manager would still be accountable to the owners. She would receive constant feedback about what was going on in the community from the owners who are rooted in that community through continued work, service, activism, and residence.

The present integration criteria may serve to safeguard against owners outside of a community coming in to establish a purely profit-making enterprise with no regard to community's needs or interests. For those owners who are actively involved in the local community through long term residence and/or working in the community either professionally or voluntarily, the present integration criteria presents more of a stumbling block to the Commission's goal than a safeguard. People already living in the community have jobs and contacts there. Outsiders would need to seek new employment if they relocate. Hiring themselves to work full time at the station seems opportunistic, and does not provide the same sort of understanding of the community as someone who has established long time residence and employment. Furthermore, it would be a shame to lose a community member who has been actively working for the success of that community to the confines of a broadcast station when they could equally as well, if not better, serve the public interest, by hiring competent, accountable staff.

An additional criticism of the 1965 Policy Statement on Comparative Broadcast Hearings is that it preconditions credit for minority ownership on its limited and limiting integration criterion. Credit for minority status should instead be granted according to the specific case and the community that will be served. Where there is a large minority population, there should be more minority controlled broadcast stations. However, this does not mean that there should only be minority owned stations. This would not promote diversity. The reverse also holds true -- where there is a majority white population, there should also be some minority owned stations to promote diversity and understanding, and serve the needs of whites and minorities in the community. Diversification is accomplished through promoting minority ownership nationwide. The awarding of minority status points has also resulted in shams where a minority principal will be used to front an application in order to gain more points and then ousted from ownership and influence once the license is awarded. This supports the suggestion that the facts in each case should be more carefully weighed.

Similarly, the awarding of diversification credit is contingent upon integration credit. If the integration standards improve so that they more accurately serve goals of the Commission, then this will be fine. As the integration criteria stand now, in

certain situations, diversification credit should still be awarded regardless of the integration status. As with credit for minority status, this should be awarded based on the specifics of the case at hand.

We are more and more coming to understand that being a minority is not the only cause for underprivilege in the United States. One can no longer ignore, as the Commission has, that low and moderate income people in this country are disadvantaged and disenfranchised from the system (even more so if they are minorities). In order to promote diversification throughout the country and to best serve the needs of communities where there is a large percentage of low to moderate income people, points should also be awarded for low and moderate income status during the comparative hearings. This is becoming an ever more pressing issue in these times as more and more Americans face financial hardships and barriers. It is time for the FCC to acknowledge and attempt to resolve this problem by awarding such credit.

This final point is crucial in the re-evaluation of the 1965 Policy Statement on Comparative Broadcast Hearings. It points to the way that while FCC policy has good intentions, it is now outdated and limiting. It essentially limits ownership of broadcast facilities to rich people. Rich people do not constitute a major portion of this country. In order to best serve the public, the criteria used to award points at comparative hearings must be inclusive enough to include alternative forms of ownership and management and promote the diversification of the broadcasting monopoly across ethnic and economic boundaries.

Thank you for your consideration of this matter.

Respectfully,

Monica Dawn Edelstein

Monica Dawn Edelstein
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The Affiliated Media Foundation Movement (AMFM)

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